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FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

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GN Docket No.
 93-252

The Honorable Reed Hundt
 Chairman
 Federal Communications Commission
 1919 M Street, NW
 Washington, D.C. 20554

Dear Mr. Chairman:

We are concerned that there may be some misunderstanding or confusion regarding the intent of Congress in enacting subsection (c)(2) of section 6002 of the Omnibus Budget Reconciliation Act of 1993, which addresses the effective date of the application of the commercial mobile service amendments to private land mobile services. We are writing to inform you of what we intended to accomplish by mandating a three-year transition for the private land mobile services.

The Omnibus Budget Reconciliation Act of 1993 created a comprehensive new regulatory structure for mobile communications by directing the FCC to regulate cellular, personal communications services (PCS), and other functionally equivalent services on a common carrier basis. This new comprehensive regulatory structure is required to be developed and implemented over a three-year period.

In enacting this new regulatory structure, Congress realized that it would be disruptive and unfair to immediately subject private land mobile radio services, such as specialized mobile radio (SMR), that are reclassified as a result of the legislation to a regulatory scheme that does not yet exist. For that reason, section 6002(c)(2) provides a three-year period during which services that are reclassified will continue to be regulated as private land mobile services. During this three-year period, the Commission is required to revise regulations now applicable to the SMR industry and those whose services become reclassified as commercial mobile services are given time to comply with the new requirements.

Finally, we are aware that there is confusion over whether Congress intended for there to be a different transition period for so-called "ESMR" providers versus SMR providers. At the time Congress enacted subsection (c)(2), we were aware that the

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Commission had not, and does not now, consider ESMR a "new" service. Therefore, the three-year transition is not intended to differentiate between ESMR providers using SMR spectrum. In conclusion, we firmly believe that ESMR services are included in the three-year transition.

In addition, we are aware that the Commission has before it allegations concerning dilatory tactics by land-line carriers and their cellular affiliates on requests for interconnection. Without addressing the merits of any particular allegations, which we think the Commission should fully investigate, we urge the Commission to aggressively enforce the provisions in section 201 and in section 332(c)(1)(B) requiring carriers to provide interconnection to providers of commercial mobile services. If these services are to succeed, they must obtain interconnection quickly and efficiently. The Commission must take appropriate action, early, to ensure this goal is met.

Thank you for the opportunity to help clarify the congressional intent concerning the mandated three-year transition for SMR service. Please share this letter with your fellow commissioners.

Sincerely,


Edward J. Markey
Chairman


Jack Fields
Ranking Republican Member